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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 CURLIN PENNICK, III,

8 Plaintiff,

9 v.

10 DAWN THOMPSON,

11 Defendant.

NO. C11-5175 RBL/KLS

ORDER GRANTING MOTION TO
AMEND

12 Before the Court is Plaintiff's Motion to Amend Complaint. ECF No. 11. Pursuant to
13 Rule 15(a)(1) of the Federal Rules of Civil Procedure, "[a] party may amend its pleading once
14 as a matter of course within (A) 21 days after serving it, or (B) if the pleading is one to which
15 a responsive pleading is required, 21 days after service of a responsive pleading or 21 days
16 after service of a motion under Rule 12(b), (e) or (f), whichever is earlier." Otherwise, the
17 party "may amend the party's pleading with the opposing party's written consent or the
18 court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P.
19 15(a)(2).
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21 Plaintiff filed his proposed complaint on March 3, 2011. ECF No. 1. The complaint
22 was served on Defendant Dawn Thompson in April, 2011. ECF Nos. 7 and 8. Defendant
23 Thompson has not filed an answer to the complaint. Instead, she filed a motion to dismiss.
24 ECF No. 10. Prior to filing a response to the motion to dismiss, Plaintiff filed a motion to
25 amend, to which he attached a proposed "Amended Verified Complaint." ECF No. 11; 11-2.
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1 The proposed amended complaint contains a verification, but it is not signed. ECF No. 11-2.

2 Defendant Thompson is not opposed to Plaintiff's motion to amend. ECF No. 15.

3 Defendant Thompson contends that the amended pleading does not cure any of the deficiencies
4 noted in her motion to dismiss and that the amended complaint raises the same issues as the
5 original complaint. She asks that the Court decide her motion to dismiss by applying it to the
6 amended complaint. *Id.*

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8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff's Motion to Amend (ECF No. 11) is **GRANTED**.

10 (2) The Clerk shall file Plaintiff's proposed Amended Verified Complaint (ECF
11 No. 11-2) as Plaintiff's amended complaint. The Clerk is also directed to send a copy of page
12 9 of the amended complaint to Plaintiff. Plaintiff shall, within **fifteen (15) days of this Order**,
13 date and sign Page 9 of the amended complaint and return it to the Clerk for filing.

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15 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for
16 Defendants.

17 **DATED** this 30th day of August, 2011.

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20 Karen L. Strombom
21 United States Magistrate Judge
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